3.

A SPEECH

Upon the

Conſolidated Bill.

Printed in the YEAR 1721.

SPEECH

THE SPEECH.

SIR,

THE Charge in the Bill before us, againſt the *Honourable Perſon*, who is the Subject of this Debate, conſiſts of theſe two Articles,

Breach of Truſt, and *Corruption*.

The *Breach of Truſt* is grounded upon the *Eighth*, *Ninth*, and *Tenth Reſolutions* of this Houſe, upon which the Bill was order'd to be brought in. Theſe Articles contain the ſeveral Accuſations of his having been *privy to the Loan of the Exchequer Bills upon Stock*; *his adviſing or approving the firſt* Money-Subſcription *at* 300 *l.* per Cent. *his encouraging the Third* Money-Subſcription, *by ſending in a Liſt.*

I ſhall not enter into any Diſpute, whether theſe Facts can be prov'd or not; but taking them for granted, I am extreamly at a loſs to find *any Breach of Truſt in the Chancellour of the* Exchequer, for having had any Share in theſe Matters.

Does the Act of Parliament direct the *Treaſury* to take care in what manner the Company employ'd the *Exchequer* Bills?——There is not one Word in the Act relating to it.

Does the Act direct the *Treaſury* to take care what Subſcriptions the Company took in, and at what Rates? If the Act had repoſed ſuch a Truſt in the *Treaſury*, this *Honourable Perſon*, and every

other *Officer* in it, would have been highly to blame, if they had not kept a watchful Eye upon the Company in these Transactions: But if the Act leaves these Matters entirely to the Management of the Company, whose Concern alone it was, where can the *Breach of Trust* be in the *Treasury?*

The Directors and the Company acted under the Authority of an Act of Parliament: Has any body ever heard, that a Chancellour of the *Exchequer*, or the Lords of the *Treasury*, or a Lord High-Treasurer, had Power to controul or dispense with, or give Directions contrary to an Act of Parliament?

If any body had a Power to controul 'em, we had, and we alone, I mean the whole Parliament then sitting: The Exchequer-Bills were issu'd and lent by the Company, and the first and second Subscriptions taken in long before the House rose: We saw what they were doing, did we find fault with it? No, quite contrary; we approv'd of the *two first Subscriptions by another Act of Parliament, even in the same Sessions*; and is this *Honourable Person* now to be punish'd in a most severe manner for what the Directors did, by virtue of a Law of our making, and confirm'd by another Law after those Matters were over? If there was any *Breach of Trust* any where, it was certainly *in us*, who *alone* had the Power of putting a Stop to any *pernicious Practices* of the Directors, whilst we our selves were sitting.

But, *SIR*, we were not to blame for not having obstructed what they did at that Time; nor was the Treasury to blame, nor were the Directors themselves to blame, or guilty of any *Breach of Trust* on these Accounts; the *taking in Subscriptions, and the raising their Stock*, was lawful in itself, and absolutely necessary to execute the Scheme, from which the Publick was to reap so great Advantage: But the *Breach of Trust, the pernicious Practices from whence all these Calamities have flow'd, were the making use of the many Millions of Money that they had got*, only to raise their Stock to an imaginary Height, by lending it out to Gamesters and Favourites, and even without any reasonable Security at all. They who *advis'd* and encourag'd *these Practices*, have been the Directors in *their own Wrong*, and to the manifest *Wrong* of many Thousands of Families.

But upon this Head this *Honourable Person* is not accus'd by any body whatever.

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The ſecond Accuſation in this Bill brought againſt him, *is the Charge of Corruption*, which is grounded upon the Reſolution that declares Mr. *Knight* h*ld* 20,000 l. South-Sea *Stock for this honourable Perſon, whilſt this Bill was depending, without any Money paid, or Security given for the ſame.*

As for this Article, I muſt own I am under great Concern for the Dignity of this Houſe; it is certain that the *Zeal*, which has been ſhewn to do Juſtice upon Offenders, and to relieve unhappy Sufferers, is very commendable; but whether that *Zeal* has not carried us ſomething too far in this Matter, I confeſs I very much fear: It is not to be expected that when this *Honourable Perſon* made his *Defence*, what he ſaid in his own Juſtification could be perfectly underſtood, eſpecially on this Head, it being the Reſult of *ſeveral Accounts* which very few People can carry along with them in a Debate; I muſt own, I was not capable of doing it, and I could not help being extreamly ſurpriz'd to find, when that Matter came to be ſtated in the Votes, *that by thoſe very Reſolutions upon which this Honourable Perſon was condemn'd, his Innocence of this Crime is as clear as it is poſſible to make it.* This I believe every one, tho' ever ſo prejudic'd, muſt be ſatisfy'd of, that takes but the pains of conſidering two or three of the Reſolutions together.

By the firſt Reſolution we declare Mr. *Knight* bought in *Decemb.* 1719. 22,000 l. South-Sea *Stock for this Honourable Perſon, who paid him, as appears by the ſame Account*, 27,800 *l. for it.*

By the third Reſolution, we declare, Mr. *Knight*, in *Febr.* 1719. *by the Hand of* Surman *and the Broker, ſold* 20,000 *l. of the ſame* South-Sea *Stock at* 130 *l.* per Cent. *for the Uſe and Benefit of Mr.* Aiſlabie; ſo that then Mr. *Knight* had 26,000 *l.* of Mr. *Aiſlabie's* Money in his Hands, and likewiſe the remaining 2000 *l. South-Sea* Stock mention'd in the firſt Reſolution, which at 175, the then Market-price, was worth 3500 *l.* both Sums together making 29,500 *l.* which Sum was certainly a ſufficient Security for the 35,000 *l.* paid by Mr. *Knight on the 4th. of* March *following, for the* 20,000 *l.* South-Sea *Stock*, remaining in his Hands 'till the *Honourable Perſon* paid him the reſt of the Money, about 6000 *l.*

There could not poſſibly be any Accident by Fall of the Stock, that could render this a bad *Security.* But it is very well known, that this was not all that the *Honourable Perſon* prov'd Mr. *Knight* had in his Hands at the time he paid for this 20,000 *l. South-Sea* Stock: *Mr.* Surman *prov'd at the Bar of the Houſe, that Mr.* Knight

had

had 10,000 *l.* East-India *Stock belonging to the Honourable Person at that Time, which* Weymondsold *prov'd he bought for him.* 9000 *l.* of which Mr. *Surman* sold on the 9th of *March*, for 18,900 *l.* the whole at that Time being worth 21,000 *l.* But, *SIR*, I have for my Information stated all these Matters together in a regular manner, and I will beg leave to read it to Gentlemen, that if I am mistaken in any Point, I may be set right.

The State of Mr. Aislabie's *Account with* Mr. Knight, *upon the Votes of the House of Commons, and* Mr. Surman's *Evidence given at the Bar,* March 8. 1720.

ROBERT KNIGHT, Dr.

		l.
Decemb. 1719.	To Cash, paid him in Bank-Notes ——	27,800 : 00
Feb. 12.	To 20,000 *l. South-Sea* Stock sold by *Weymondesold* at 130 ---	26,000 : 00
	To 2000 *l. South-Sea* Stock remaining in his Hands, at 175 --	3,500 : 00
Mar. 9.	To 9000 *l. E. India* Stock sold by *Surman* and *Weymondesold* at 210 -	18,900 : 00
	To 1000 *l. East-India* Stock remaining in his hands at 210 - -	2,100 : 00
		78,300 : 00

Cr.

		l.	*s.*
Decemb. 1719.	By 22,000 *l. South-Sea* Stock, bought by *Strode* at several Prices ——	27,800 : 00	
Mar. 4.	By 20,000 *l. S. Sea* Stock, bought by *Weymondesold* at several Prices - -	35,357 : 10	
	By Ballance due to *J. A.* —	15,142 : 10	
		78,300 : 00	

By this Account it appears, *SIR*, as plain as Figures can make it, that Mr. *Knight* paid for this Stock with this Gentleman's Money, and had at that Time, or in a few Days after, a Balance over and above in his Hands, due to the *Honourable Person*, of above 15,000 *l.*

But, *SIR*, there is still another Evidence upon our Votes, which is stronger, if possible, than this, and which convinc'd me more that this Stock was bought with this Gentleman's own Money; and that he alone was to run all the Hazard relating to it, than any *living Evidence* whatever that could be given about it: I mean the *Letter* by which the Honourable Person order'd Mr. *Weymondsold* to buy this Stock for him; which Order is mention'd in our *Fourth Resolution*, and the *Letter* it self is upon your Table: This *Letter* was undoubtedly writ before this Enquiry could be thought of; this *Letter* was writ by a great Officer to a common Broker. At that time, certainly, there could be no occasion of any Art or Management betwixt these two Persons, on this Account. If any thing can give us the cleareſt Light into this Transaction, it must be this Letter: Give me leave to read it.

SIR,

I *Receiv'd yours, and did not write to Mr.* Knight, *as you fancy'd, but left it all to you; if you can make it up* 20,000 l. *I would stop there, since it has risen upon us so fast. I am*

Yours,

J. A.

P.S. *I will desire Mr.* Knight *to pay you the Money.*

Mar. 1. 1719.

By this *Evidence*, produced by the *Secret Committee* against the Honourable Person, it plainly appears to be his Stock; and by this Letter he is laid under an Obligation to accept and pay for it, whether it had risen or fallen; and this is Law, and this is Practice. In the next place, it proves it to be the Gentleman's own Money, and not the Company's; because he restrains the Broker from buying more, *because the Stock rose so fast*, which is not a Reason to be given, if the *Company* had been to run the *Risque*, and not the Honourable Gentleman, but the contrary. But what is more convincing that it was not done in concert with Mr. *Knight*, is, that

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the Honourable Perſon ſays, *He did not write to* Knight, *as he fancied, but left it all to* Weymondſold.

Thus, *SIR*, 'tis plain, that unleſs we *unvote* what we voted *Nemine contradicente* in our *firſt Reſolution*, and what we *voted* in the *third Reſolution*, and unleſs we *diſprove this Letter juſt mention'd*, and unleſs Mr. *Surman were in the Caſtle of* Antwerp, it will be impoſſible for us to go about to make good this *Charge of Corruption* againſt the *Honourable Perſon*; but *every Account, every Circumſtance, every Evidence* we ſhall produce *againſt him*, will be very ſtrongly *for him*.

Therefore I hope Gentlemen will conſider what they are going to do. I am ſatisfied, in the *preſent Temper People are*, every Step we ſhall take towards *the Relief of the unhappy Sufferers*, will be applauded by Thouſands and Ten Thouſands; but in a little time the Fury will certainly abate, when we have done *all* we can for them, and perhaps *that all* not ſatisfy many.

It behoves us to carry our Views forwards, and to conſider how we ſhall look our Country in the Face, if we cannot juſtifie our Actions, when they ſhall come to be *conſider'd calmly*. And who indeed will be able to juſtifie the deſtroying a Gentleman's Reputation, and tearing his Eſtate from him, and putting him under the moſt cruel Torture, the ſevereſt Penalties and Incapacities, *not only without Evidence of the Crimes laid to his Charge, but contrary to the ſtrongeſt Evidence of his Innocence?*

Are we to take away a Man's Reputation and Eſtate for a *Breach of Truſt* in Matters that were not in any manner *committed to his Care? For confederating* with People who all deny that ever they communicated their Counſels or Meaſures to him in any of their unwarrantable Practices? For *Corruption*, when by our own State of the Caſe, there is no Appearance *of Corruption* in that Tranſaction, but quite the contrary?

This would not be *Puniſhment*, but *Cruelty*; it would not be *Reſtitution*, but, in my Opinion, *down-right Robbery*. This would be an Act of *Violence and Tyranny unheard of* in any *Britiſh Parliament*: And as the thing it ſelf is *unheard of*, and *unprecedented*, ſo is the *manner* of coming at it. Who ever heard of a *Bill of Attainder* (enacting all the Puniſhments that can be inflicted, except Loſs of Life or Limb) *tack'd* to another Bill? Neither is it a ſingle *Tack*, but *a Chain of Bills link'd together*, of the *Condemn'd* and *Accus'd*, of the *Dead* and the *Living*: But I will confine myſelf to the Perſon whoſe Caſe is now in Queſtion; and pray let us ſee how that Caſe ſtands.

First,

First, a *Bill* is *ordered* to be brought in againſt the Honourable Perſon, to *prevent him from going out of the Kingdom, and alienating his Eſtate, that both his Perſon and his Fortune may be liable to Parliamentary Juſtice*, if he ſhould be found guilty of the Crimes laid to his Charge. This *Bill* is *read twice*, and then order'd to be *committed*: Upon the Motion for *Commitment*, *ſome Gentlemen* are apprehenſive, that this *Bill*, ſingly by it ſelf, may chance *not to paſs the Houſe of Lords*: To prevent any ſuch Accident, the *Committee* is directed to conſolidate this Bill (which, as I have already ſaid, is a Bill in order to bring a Man to Tryal) with *a Bill to puniſh thirty five Perſons already convicted of great Offences, by two ſeveral Acts of Parliament.*

Is this all? No. As ſome Gentlemen were *jealous* that *the Lords would not paſs this Bill ſingly*, which was to make the Honourable Perſon *diſcover* his Eſtate, other *Gentlemen* were as *doubtful* whether Matters might not take ſuch a Turn, and Circumſtances be ſo much alter'd, that in another Seſſion the *Lords* might be *as unwilling to take his Eſtate away when diſcover'd*; and therefore as nothing is like the preſent Time for doing of Buſineſs, and all Delays are dangerous in things of this Nature, by *another Inſtruction* to the ſaid *Committee*, the Honourable *Perſon's Eſtate is to be confiſcated*; and leſt it ſhould meet with great Difficulties elſewhere, as has been already obſerv'd, this *Puniſhment* is to be *tack'd* to the former *Puniſhment*, which was before *tack'd* to the *Bill* againſt the Directors.

Any body would imagin that here certainly would be an End; but----no. Why, what can be done next? What is he to *be hanged*? Indeed *hanging* would have been a very ſafe way of working, and would have effectually prevented this Gentleman, who is known to have ſome Talents, from making uſe of them at any time hereafter againſt thoſe, who he may imagin have dealt very hardly by him; but ſomething elſe is propos'd that anſwers juſt the ſame Purpoſe, and that is, *a Diſability in the Honourable Perſon from receiving any Favour from the Crown, and from ſitting or voting in either Houſe of Parliament.* This ſevere, this dangerous *Puniſhment*, for the Reaſons above-mentioned, is likewiſe *tack'd* to the laſt-mention'd *Puniſhment*, which was *tack'd* to a former *Puniſhment*, and ſo on.

Was any thing like this ever heard of in any Age before? Was ever any *Engliſhman* us'd in ſuch a manner? A Gentleman is lock'd up in a *Priſon*, at a great Diſtance from his Friends, at a great Diſtance from the Knowledge of what paſſes in this *Houſe*, comparatively to what it would be, if he had his Liberty: And here are we taking away his *Reputation*, taking away his *Eſtate*, putting him under *cruel* and *ignominious Incapacities*, not by the *ſummary way of a Bill*, but by a *new-invented and more ſummary way*, by *a Clauſe incorporated into another Bill in a Committee.*

Is this our *boaſted Liberty?* Is this our happy *Conſtitution* that is ſuch a Barrier to our *Lives* and *Properties?*----No, *SIR*, this is not *the Conſtitution of Parliament*, this is what *our Anceſtors* never heard of: The *ſeveral Forms* that all *Bills* ought to paſs through, have been wiſely provided, to give Time and Opportunity for Application on one ſide, and Conſideration on the other; and without theſe Forms a Man may be *hurried* out of his Life, his Liberty, or his Eſtate, in as tyrannical a Manner as under the Government of *Peter Alexowitz*.

When Leave is given to offer a *Clauſe*, no body can tell exactly what that *Clauſe* will be, 'till it is in the *Committee*. And before the Perſon that is to ſuffer by it can be fully appriz'd of it, the *Clauſe is paſs'd*, and there is no Opportunity of oppoſing it, but upon the *Report*, or at the *third Reading*; and every body knows how *difficult* the one is, and how *vain* the other: All the unfortunate Perſon's Friends can do, is only, like *Job*'s *Meſſengers*, to acquaint him from Time to Time with ſome freſh Calamity that has befall'n him.

SIR, I freely declare, I value our Conſtitution above all things on Earth; and I think thoſe *Rebels* that fought at *Dunblain* and *Preſton* to deſtroy it, and who, by ſetting a *Popiſh bigotted Tyrant* upon the Throne, would have depriv'd us of our Religion and Liberties, as well as our Eſtates, greater Criminals than thoſe, who uſed indirect Arts laſt Summer to get our Money from us: Nay, I think them *greater Criminals* than even thoſe *Guardians of Orphans and Infants who flung* their *Wards* into the *Stocks*, when they themſelves ſold out at *exceſſive high Prices*; and, by leaving thoſe *unhappy Wretches* in that *Gulph of Perdition, made a golden Bridge for themſelves to eſcape upon.* Obliging thoſe *Hypocrites* to make *Reſtitution* to thoſe *moſt unhappy Sufferers* would be a Piece of the higheſt Juſtice both in *the Sight of God and Man.* But my juſt Concern for thoſe *miſerable Creatures* has carried me a little from my Subject.

When

When I ſay, *SIR*, that I value our *Conſtitution ſo highly*, it is becauſe of its being ſo ſtrong a Fortreſs againſt all the ſudden Irruptions of Arbitrary Power in every Shape: It conſiſts in this, that no Man can ſuffer Loſs of Life or Limb, or Reputation, or Liberty, or Eſtate, but upon a fair Tryal, and by the *Judgment of his Peers* in all common Caſes; and in the moſt extraordinary Caſes, where the *Legiſlature* interpoſes, the Tryal is to be by a *Bill*; in ſuch a Caſe, Leave muſt be *firſt given to bring in that Bill*; then it muſt be read a *firſt*, and then a *ſecond* Time, afterwards *committed*, then *reported* and read a *third* Time; after which, it goes through all the ſame *Forms* in the *Houſe of Lords*, where a Man has all the ſame Opportunities of making his *Defence*, and their *Lordſhips* have *as free a Liberty of Judging as the Commons* had before.

In the laſt place, it comes to the *Royal Aſſent*, and there is Room for Application for Mercy, and the *Bill* may be after all rejected.

But, *SIR*, if inſtead of all theſe *Checks* upon the ſudden *Reſolutions of the Judges*, and all theſe *Opportunities* of *Defence* for the Perſon accus'd, a Man may be deſtroy'd *at once*, by a *Clauſe* offer'd in a *Committee*, and *tack'd* to a *Money-Bill*, or any other *Bill* of a more *popular kind*, which the whole *Nation may expect ſhould paſs*, and conſequently both the *Lords and the Crown be depriv'd of their free Judgment, and by that means be ſtruck out of the Legiſlature*, I do not ſee how our *Conſtitution* can be more effectually *ſubverted*.

This would be tearing up *Parliaments* by the Roots, and deſtroying at one Blow all that our Anceſtors and We have been ſo long ſtruggling to preſerve.

An Act of this Nature would be a greater Iniquity than any the *Directors* did or could commit, and would obliterate *their Offences*, by conveying down to Poſterity *greater Crimes* than they were ever guilty of.

I hope, *SIR*, we ſhall not do them ſuch a Service at our own Expence, and therefore I am for leaving the *Honourable Perſon* out of this Bill, and for going on againſt him, *as we at firſt ſet out*, in a juſt fair Parliamentary way, to the End that if he has been guilty of any Faults, he may be puniſh'd for them; but I am not for puniſhing him for other Perſons Faults, much leſs am I for puniſhing him in ſuch a monſtrous, in ſuch a violent manner, as will declare to all the World, that we could not make good our Charge againſt him, but yet were reſolv'd to ſacrifice him, and *even the Conſtitution itſelf* with him.

F I N I S.

FINIS.